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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,805	02/25/2004	Toshiyuki Tanaka	F-8136	3344
28107	7590	01/25/2006	EXAMINER	
JORDAN AND HAMBURG LLP 122 EAST 42ND STREET SUITE 4000 NEW YORK, NY 10168			KNABLE, GEOFFREY L	
			ART UNIT	PAPER NUMBER
			1733	

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/786,805

Applicant(s)

TANAKA ET AL.

Examiner

Geoffrey L. Knable

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6-1-2004</u> . | 6) <input type="checkbox"/> Other: ____ |

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1. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1 and 4, reference is made to unwinding a "ribbon-shaped ply cord" from a roll of "the ply cord"- this use of the term "ply cord" to apparently denote a ply that includes cords therein is however considered to be arguably misleading and confusing. In other words, a "cord" is normally understood in this art to be a single reinforcing element, a plurality of which are usually embedded within a ply. A "ply cord" would thus normally be understood to be a single cord for use in a ply - since this is apparently not what is intended here, clarification is required to avoid any ambiguity in this regard.

In line 3 of both claims 1 and 4, the phrase "as conveying..." is grammatically awkward and confusing. It seems that "as" may have been intended to be "and".

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Senbokuya et al. (US 6,616,783) taken in view of Ogawa (US 6,355,126) and Baugher et al. (US 4,087,308).

Senbokuya et al. discloses a tire ply forming method and apparatus in which a narrow ribbon ply (including cords therein) is fed, cut into strips which are each then transferred onto a bonding base (22) and overlapped with adjacent strips, the overlap joint then being stitched or pressed using a stitching roll (e.g. col. 4, lines 43-60). This patent is therefore considered to suggest a process/apparatus as claimed except that it does not disclose feeding the ribbon from a roll and does not expressly describe transporting with a transfer device.

As to feeding from a roll rather than direct forming/feeding as disclosed in Senbokuya et al., Ogawa is also directed to forming tire plies by successive application of cut strips and evidences an understanding in this art that such strips can be supplied either immediately after forming or from a wound roll - note esp. col. 4, lines 16-21. To unwind a previously formed ribbon/strip in Senbokuya et al. rather than directly forming/applying it would therefore have been seen by the ordinary artisan to have been an obvious alternative leading to only the expected results.

As to transporting with a transfer device, it is considered that the ordinary artisan would have found it obvious to use a device to effect the transfer schematically shown by Senbokuya et al. for the obvious advantages that would be expected to flow from

avoiding a manual operation. Note also Baugher et al., which is also directed to forming tire plies by assembling plural cut strips, this reference evidencing the known and conventional nature of a transfer means to transport a strip to an assembly location - note device 13. It is noted that this reference also further shows the conventional use of a stitching roller (475) operable by a moving device to press the overlapped ply edges, use of a moving device as required by claim 3 being obvious to effect the stitching desired by Senbokuya et al. The particular number of rollers used is considered to have been well within the selection skill of the ordinary artisan, any particular selection thereof being considered to provide none but the expected results.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

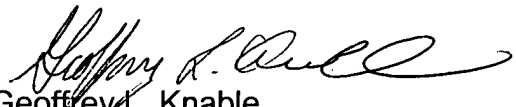
Alderfer (US 3,826,297), Inoue et al. (US 4,219,601) and Suda et al. (US 2003/0051794) are other examples of forming tire plies by assembling plural cut strips but are at present no more relevant than the applied prior art.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey L. Knable whose telephone number is 571-272-1220. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Geoffrey L. Knable
Primary Examiner
Art Unit 1733

G. Knable
January 21, 2006